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MORRISON & FOERSTER LLP
 12531 HIGH BLUFF DRIVE
 SUITE 100
 SAN DIEGO CA 92130-2040

In re Application of: :
 Cantor et al. :
 Serial No.: 10/760,091 : PETITION DECISION
 Filed: January 16, 2004 :
 Attorney Docket No.: 532212000624


This is in response to the petition under 37 CFR § 1.59(b), filed April 24, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that Supplemental Information Disclosure Statement containing therein 33 documents submitted to the Patent Office on April 24, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte* Quayle action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.


 Marianne C. Seidel
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